

The Hon. Marsha J. Pechman

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

No. CR09-084-MJP

DONATA BAYDOVSKIY,  
a/k/a NETA BRENNER,  
VLADISLAV BAYDOVSKIY, and  
VICTOR KOBZAR

**FINAL ORDER OF FORFEITURE**

Defendants.

THIS MATTER comes before the Court on the United States' Motion for Entry of  
a Final Order of Forfeiture for the following property:

- A. A 2004 Lamborghini Gallardo, Oregon license plate number DVLAD,  
vehicle identification number ZHWGU11M24LA01529, registered in the  
name of Vladislav A. Baydovskiy;
- B. \$10,000.00 United States funds in lieu of a 2007 BMW, model X5, Oregon  
license plate number 529DEC, vehicle identification number  
5UXFE83547LZ37958, registered in the name of Vladislav A. Baydovskiy;

- 1 C. A 2006 Bayliner 31.5 foot boat, hull number USDA79ELD606, Oregon  
 2 registration number 601ADA, registered in the name of Vladislav A.  
 3 Baydovskiy;
- 4 D. \$33,847.28, more or less, in United States funds seized from Bank of  
 5 America, checking and savings account number \*\*\*\*0552, held in the name  
 6 of Vladislav Baydovskiy and Lyudmila Baydovskaya;
- 7 E. \$91,216.34 in United States funds seized from Wachovia Securities account  
 8 number \*\*\*0932, held in the name of Vladislav A. Baydovskiy;
- 9 F. \$8,557.51, more or less, in United States funds seized from Bank of America  
 10 account number \*\*\*\*5756, held in the name of Vladislav A. Baydovskiy and  
 11 Victor Kobzar;
- 12 G. \$254,450.92 out of \$2,353,661.66 in United States funds seized from Morgan  
 13 Stanley account number \*\*\*\*\*5439 held in the name of Vladislav A.  
 14 Baydovskiy;
- 15 H. \$9,060.00 in United States currency, more or less, seized from 650 Bellevue  
 16 Way NE, Bellevue, WA on March 26, 2009;
- 17 I. \$1,740.00 in United States currency, more or less, seized from Bank of  
 18 America Safe Deposit Box No. 46, 650 10555 NE 8<sup>th</sup> Street, Bellevue, WA;
- 19 J. A 2006 BMW, model 750, Oregon license plate number THEDR, vehicle  
 20 identification number WBAHN835X6DT32035; and
- 21 K. A 2002 BMW X5, Washington license plate 187XBF, vehicle identification  
 22 number 5UXFB33552LH36092, registered to Viktor Kobzar.

23 The Court, having reviewed the United States' Motion, as well as the other  
 24 pleadings and papers filed in this matter, HEREBY FINDS that entry of a Final Order of  
 25 Forfeiture is appropriate for the following reasons:

- 26 • On September 24, 2009, Defendant Donata Baydovskiy pled guilty to *False*  
 27 *Statements*, in violation of 18 U.S.C. §§ 1001 and 2. Dkt. No. 179. In her  
 28 Plea Agreement, the Defendant agreed to forfeit, pursuant to

1 18 U.S.C. § 981(a)(1)(C) and (D) by way of 28 U.S.C. § 2461(c), her  
 2 interest in any property constituting or derived from proceeds traceable to a  
 3 conspiracy engaged in by her spouse, Vladislav A. Baydovskiy, to commit  
 4 bank fraud, wire fraud, and/or mail fraud, and any property representing or  
 5 traceable to gross receipts obtained, directly or indirectly, from her *False*  
 6 *Statements* violation (Dkt. No. 179, ¶ 13);

- 7 • On September 25, 2009, Defendant Vladislav Baydovskiy pled guilty to  
 8 *Conspiracy to Commit Bank, Mail and Wire Fraud*, in violation of  
 9 18 U.S.C. § 371, among other violations. Dkt. No. 186. In his Plea  
 10 Agreement, the Defendant agreed to forfeit his interest in any property  
 11 constituting or derived from proceeds traceable to such conspiracy pursuant  
 12 to 18 U.S.C. § 981(a)(1)(C) and (D) by way of 28 U.S.C. § 2461(c) (Dkt.  
 13 No. 186, ¶ 13);
- 14 • On October 2, 2009, Defendant Viktor Kobzar pled guilty to *Conspiracy to*  
 15 *Commit Bank, Mail and Wire Fraud*, in violation of 18 U.S.C. § 371,  
 16 among other violations. Dkt. No. 192. In his Plea Agreement, the  
 17 Defendant agreed to forfeit his interest in any property constituting or  
 18 derived from proceeds traceable to such conspiracy pursuant to 18 U.S.C. §  
 19 981(a)(1)(C) and (D) by way of 28 U.S.C. § 2461(c) (Dkt. No. 192, ¶ 13);
- 20 • The Court entered Preliminary Orders of Forfeiture for Defendants Donata  
 21 Baydovskiy, Vladislav Baydovskiy, and Viktor Kobzar, finding the above-  
 22 identified property forfeitable pursuant to 18 U.S.C. § 982(a)(2)(A) and  
 23 (a)(3) and forfeiting each Defendant's interest in the property (Dkt. Nos.  
 24 245, 246, 253, 397);
- 25 • Thereafter, the United States published notice of the pending forfeitures as  
 26 required by 21 U.S.C. § 853(n)(1) and Federal Rule of Criminal Procedure  
 27 ("Fed. R. Crim. P.") 32.2(b)(6)(C) (Dkt. Nos. 271, 273, 398), and also  
 28 provided direct notice to three potential claimants, as required by Fed. R.

Crim. P. 32.2(b)(6)(A) (Declaration of Assistant U.S. Attorney Krista K. Bush in Support of Motion for Entry of a Final Order of Forfeiture, ¶ 2, Exhibits A–C);

- On April 16, 2010, Defendant and Third-Party Claimant Vladislav Baydovskiy filed a claim to the 2007 BMW identified in Paragraph B, above. Dkt. Nos. 246, 305. Pursuant to a Court-approved settlement agreement, Vladislav Baydovskiy remitted \$10,000 to the United States on or about September 10, 2012 as a substitute asset for the 2007 BMW, which the United States released to Vladislav Baydovskiy on or about September 17, 2012 (Dkt. Nos. 370–372);
- \$2,099,210.74 out of the \$2,353,661.66 in U.S. funds identified in Paragraph G, above, were applied to satisfy the restitution in this case, leaving \$254,450.92 available for forfeiture (Dkt. Nos. 363, 366, 368, 374, 377–383); and
- No additional third-party claims have been filed and the time for doing so has expired.

NOW, THEREFORE, THE COURT ORDERS:

1. No right, title, or interest in the above-listed property exists in any party other than the United States;

2. The property is fully and finally condemned and forfeited, in its entirety, to the United States; and

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3. The United States Department of the Treasury, and/or its representatives, are authorized to dispose of the property in accordance with the law.

IT IS SO ORDERED.

DATED this 28th day of March, 2021.

Washup. Belman

THE HON. MARSHA J. PECHMAN  
UNITED STATES DISTRICT JUDGE

Presented by:

s/Krista K. Bush

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